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IGNACIO VERA

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

IGNACIO VERA,  
Plaintiff,  
vs.

ARSEN GHUKASYAN D/B/A MTVZ  
SMOKE SHOP; KARLO AZARYAN; and  
DOES 1 to 10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff IGNACIO VERA ("Plaintiff") complains of Defendants ARSEN  
GHUKASYAN D/B/A MTVZ SMOKE SHOP; KARLO AZARYAN; and DOES 1 to 10  
("Defendants") and alleges as follows:

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**PARTIES**

1  
2 1. Plaintiff is a California resident with a physical disability. Plaintiff is a  
3 quadriplegic and is substantially limited in his ability to walk. Plaintiff requires the use of  
4 a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,  
6 business operators, lessors and/or lessees of the real property for a smoke shop  
7 (“Business”) located at or about 6918 Foothill Blvd., Tujunga, California.

8 3. The true names and capacities, whether individual, corporate, associate or  
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
11 Court to amend this Complaint when the true names and capacities have been  
12 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such  
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
18 the things alleged herein was acting with the knowledge and consent of the other  
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or  
21 failure to act by a defendant or Defendants, such allegations and references shall also be  
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
27 *seq.*).  
28



1 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*  
 2 *Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

3 16. In addition, Plaintiff alleges, on information and belief, that Defendants  
 4 knew that particular barriers render the Business inaccessible, violate state and federal  
 5 law, and interfere with access for the physically disabled.

6 17. At all relevant times, Defendants had and still have control and dominion  
 7 over the conditions at this location and had and still have the financial resources to  
 8 remove these barriers without much difficulty or expenses to make the Business  
 9 accessible to the physically disabled in compliance with ADDAG and Title 24  
 10 regulations. Defendants have not removed such barriers and have not modified the  
 11 Business to conform to accessibility regulations.

## 12 **FIRST CAUSE OF ACTION**

### 13 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

14 18. Plaintiff incorporates by reference each of the allegations in all prior  
 15 paragraphs in this complaint.

16 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual  
 17 shall be discriminated against on the basis of disability in the full and equal enjoyment of  
 18 the goods, services, facilities, privileges, advantages, or accommodations of any place of  
 19 public accommodation by any person who owns, leases, or leases to, or operates a place  
 20 of public accommodation. *See* 42 U.S.C. § 12182(a).

21 20. Discrimination, *inter alia*, includes:

- 22 a. A failure to make reasonable modification in policies, practices, or  
 23 procedures, when such modifications are necessary to afford such  
 24 goods, services, facilities, privileges, advantages, or accommodations  
 25 to individuals with disabilities, unless the entity can demonstrate that  
 26 making such modifications would fundamentally alter the nature of  
 27 such goods, services, facilities, privileges, advantages, or  
 28 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

- 1           b.     A failure to take such steps as may be necessary to ensure that no  
2               individual with a disability is excluded, denied services, segregated or  
3               otherwise treated differently than other individuals because of the  
4               absence of auxiliary aids and services, unless the entity can  
5               demonstrate that taking such steps would fundamentally alter the  
6               nature of the good, service, facility, privilege, advantage, or  
7               accommodation being offered or would result in an undue burden. 42  
8               U.S.C. § 12182(b)(2)(A)(iii).
- 9           c.     A failure to remove architectural barriers, and communication barriers  
10               that are structural in nature, in existing facilities, and transportation  
11               barriers in existing vehicles and rail passenger cars used by an  
12               establishment for transporting individuals (not including barriers that  
13               can only be removed through the retrofitting of vehicles or rail  
14               passenger cars by the installation of a hydraulic or other lift), where  
15               such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 16          d.     A failure to make alterations in such a manner that, to the maximum  
17               extent feasible, the altered portions of the facility are readily  
18               accessible to and usable by individuals with disabilities, including  
19               individuals who use wheelchairs or to ensure that, to the maximum  
20               extent feasible, the path of travel to the altered area and the  
21               bathrooms, telephones, and drinking fountains serving the altered  
22               area, are readily accessible to and usable by individuals with  
23               disabilities where such alterations to the path or travel or the  
24               bathrooms, telephones, and drinking fountains serving the altered area  
25               are not disproportionate to the overall alterations in terms of cost and  
26               scope. 42 U.S.C. § 12183(a)(2).

27          21.     At least one accessible route shall connect accessible building, facilities,  
28          elements, and spaces that are on the same site. 1991 ADA Standards § 4.3.2. A public

1 accommodation shall maintain in operable working condition those features of facilities  
2 and equipment that are required to be readily accessible to and usable by persons with  
3 disabilities by the Act or this part. 28 C.F.R. 35.211(a).

4 22. Here, Defendants failed to provide at least one accessible entrance to the  
5 Business as the entrance had a step instead of a proper ramp.

6 23. A public accommodation shall maintain in operable working condition those  
7 features of facilities and equipment that are required to be readily accessible to and usable  
8 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

9 24. By failing to maintain the facility to be readily accessible and usable by  
10 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related  
11 regulations.

12 25. The Business has denied and continues to deny full and equal access to  
13 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
14 discriminated against due to the lack of accessible facilities, and therefore, seeks  
15 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
16 by individuals with disabilities.

## 17 **SECOND CAUSE OF ACTION**

### 18 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

19 26. Plaintiff incorporates by reference each of the allegations in all prior  
20 paragraphs in this complaint.

21 27. California Civil Code § 51 states, "All persons within the jurisdiction of this  
22 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
23 national origin, disability, medical condition, genetic information, marital status, sexual  
24 orientation, citizenship, primary language, or immigration status are entitled to the full  
25 and equal accommodations, advantages, facilities, privileges, or services in all business  
26 establishments of every kind whatsoever."

27 28. California Civil Code § 52 states, "Whoever denies, aids or incites a denial,  
28 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable

1 for each and every offense for the actual damages, and any amount that may be  
 2 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
 3 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
 4 attorney's fees that may be determined by the court in addition thereto, suffered by any  
 5 person denied the rights provided in Section 51, 51.5, or 51.6.

6 29. California Civil Code § 51(f) specifies, "a violation of the right of any  
 7 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
 8 shall also constitute a violation of this section."

9 30. The actions and omissions of Defendants alleged herein constitute a denial  
 10 of full and equal accommodation, advantages, facilities, privileges, or services by  
 11 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
 12 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
 13 51 and 52.

14 31. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
 15 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
 16 damages as specified in California Civil Code §55.56(a)-(c).

### 17 **THIRD CAUSE OF ACTION**

#### 18 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

19 32. Plaintiff incorporates by reference each of the allegations in all prior  
 20 paragraphs in this complaint.

21 33. California Civil Code § 54.1(a) states, "Individuals with disabilities shall be  
 22 entitled to full and equal access, as other members of the general public, to  
 23 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
 24 and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles,  
 25 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
 26 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
 27 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
 28 places of public accommodations, amusement, or resort, and other places in which the

1 general public is invited, subject only to the conditions and limitations established by  
2 law, or state or federal regulation, and applicable alike to all persons.

3 34. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
4 corporation who denies or interferes with admittance to or enjoyment of public facilities  
5 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
6 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
7 the actual damages, and any amount as may be determined by a jury, or a court sitting  
8 without a jury, up to a maximum of three times the amount of actual damages but in no  
9 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be  
10 determined by the court in addition thereto, suffered by any person denied the rights  
11 provided in Section 54, 54.1, and 54.2.

12 35. California Civil Code § 54(d) specifies, “a violation of the right of an  
13 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
14 constitute a violation of this section, and nothing in this section shall be construed to limit  
15 the access of any person in violation of that act.

16 36. The actions and omissions of Defendants alleged herein constitute a denial  
17 of full and equal accommodation, advantages, and facilities by physically disabled  
18 persons within the meaning of California Civil Code § 54. Defendants have  
19 discriminated against Plaintiff in violation of California Civil Code § 54.

20 37. The violations of the California Disabled Persons Act caused Plaintiff to  
21 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
22 statutory damages as specified in California Civil Code §55.56(a)-(c).

#### 23 **FOURTH CAUSE OF ACTION**

#### 24 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

25 38. Plaintiff incorporates by reference each of the allegations in all prior  
26 paragraphs in this complaint.

27 39. Plaintiff and other similar physically disabled persons who require the use of  
28 a wheelchair are unable to use public facilities on a “full and equal” basis unless each

1 such facility is in compliance with the provisions of California Health & Safety Code §  
2 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
3 provisions of California Health & Safety Code § 19955 et seq.

4 40. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
5 that public accommodations or facilities constructed in this state with private funds  
6 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
7 Title 1 of the Government Code. The code relating to such public accommodations also  
8 require that “when sanitary facilities are made available for the public, clients, or  
9 employees in these stations, centers, or buildings, they shall be made available for  
10 persons with disabilities.

11 41. Title II of the ADA holds as a “general rule” that no individual shall be  
12 discriminated against on the basis of disability in the full and equal enjoyment of goods  
13 (or use), services, facilities, privileges, and accommodations offered by any person who  
14 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
15 Further, each and every violation of the ADA also constitutes a separate and distinct  
16 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
17 award of damages and injunctive relief pursuant to California law, including but not  
18 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

19 **FIFTH CAUSE OF ACTION**

20 **NEGLIGENCE**

21 42. Plaintiff incorporates by reference each of the allegations in all prior  
22 paragraphs in this complaint.

23 43. Defendants have a general duty and a duty under the ADA, Unruh Civil  
24 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
25 to the Plaintiff.

26 44. Defendants breached their duty of care by violating the provisions of ADA,  
27 Unruh Civil Rights Act and California Disabled Persons Act.  
28

1           45. As a direct and proximate result of Defendants' negligent conduct, Plaintiff  
2 has suffered damages.

3                                   **PRAYER FOR RELIEF**

4           WHEREFORE, Plaintiff respectfully prays for relief and judgment against  
5 Defendants as follows:

6           1. For preliminary and permanent injunction directing Defendants to comply  
7 with the Americans with Disability Act and the Unruh Civil Rights Act;

8           2. Award of all appropriate damages, including but not limited to statutory  
9 damages, general damages and treble damages in amounts, according to proof;

10          3. Award of all reasonable restitution for Defendants' unfair competition  
11 practices;

12          4. Reasonable attorney's fees, litigation expenses, and costs of suit in this  
13 action;

14          5. Prejudgment interest pursuant to California Civil Code § 3291; and

15          6. Such other and further relief as the Court deems just and proper.

16                                   **DEMAND FOR TRIAL BY JURY**

17          Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
18 demands a trial by jury on all issues so triable.

19  
20 Dated: June 30, 2025

SO. CAL. EQUAL ACCESS GROUP

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22  
23 By: /s/ Jason J. Kim  
24 Jason J. Kim, Esq.  
25 Attorneys for Plaintiff  
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